

REMARKS

In the Restriction Requirement of May 3, 2007, the Examiner indicated that the application contains claims to more than one species of generic invention, and that the species are deemed to lack unity of invention because they are not linked to form a single general inventive concept under PCT Rule 13.1. The Examiner restricted the claimed invention to: Species A, including claims 1-4, 7-19, and 22, drawn to an apparatus having interspaces as an insulating feature; and Species B, including claims 20 and 21, drawn to an apparatus having a plastic mat as an insulating feature. The Examiner notes that claims 4, 13, and 17 are generic.

The Examiner asserts *a priori* (i.e., without consideration of the claims in relation to any prior art) that Species A and B do not relate to a single general inventive concept because the species lack the same corresponding special technical features. More specifically, the Examiner asserts that Species B does not include interspaces. Applicants respectfully disagree with the Examiner's conclusion of lack of unity for the following reasons.

Applicants note that Species A and Species B, as claimed, are related to a building board having an insulating feature. Moreover, the Examiner acknowledges that both species have an insulating feature by defining Species A as having interspaces as an insulating feature and Species B as having a plastic mat as an insulating feature. Because all of the Species contain this special technical feature, there is a technical relationship among the inventions and the holding of lack of unity is improper.

Applicants further point out that all of the claims clearly relate to a common subject matter as discussed above. Accordingly, the recitations of each of the independent claims,

as well as the various dependent claims are so closely related for examination purposes as to make the restriction requirement entirely inappropriate under any proper basis. For this reason alone, it is submitted that restriction is inappropriate and that all the claims in the present application should be examined together.

Furthermore, it is believed that the features shown in the two Species all relate to a building board having a plurality of oriented strand boards disposed side by side and bonded together in layers, the building board further comprising an insulating feature. Therefore, the searches for each Species must be at least somewhat overlapping for the groups. Thus, no undue burden is placed on the Examiner when examining all of the claims together.

For all these reasons, and consistent with the office policy as set forth in M.P.E.P. §§ 803, 1850 and 1893.03(d), Applicants respectfully request that the Examiner reconsider the position taken in the above-mentioned Official Action and withdraw the election requirement in the present application. Accordingly, the Examiner's restriction requirement is believed to be improper and has been traversed for the reasons set forth above.

Nevertheless, in order to be fully responsive, Applicants elect to traverse the invention defined by the Examiner as Species A, directed to at least claims 1-4, 7-19, and 22 in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement. Authorization is hereby given to charge any fees necessary for consideration of this paper to deposit account 19-0089.

Should there be any questions, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Joachim HASCH et al.

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', written over a horizontal line.

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